

BILL ANALYSIS

Senate Research Center
80R1696 KEL-D

S.B. 441
By: Deuell
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current overflow of individuals requiring the services of state mental health facilities has led to a six- to eight-month waiting list for treatment for those individuals. During this time, the condition of those individuals who are on the waiting list may deteriorate. Changes to the statutory procedure regarding the determination of competency for potentially mentally ill offenders may make this process more efficient and more quickly address those on the waiting list.

As proposed, S.B. 441 limits the timeframe in which a party can object to the report on a defendant's competency from 15 to 10 days. This bill also requires that the competency hearing is to be held within 20 days, rather than 30 days, following the date of objection unless continued for good cause for a period not to exceed 20 days.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 46B.079(b), Code of Criminal Procedures, to require a defendant determined to be incompetent, and whose resultant term of commitment has not expired, to be returned to the committing court as soon as practicable after the 10th, rather than 15th, day following the date on which the parties receive services on any report filed with the committing court regarding the defendant's ability to attain competency, with certain exceptions.

SECTION 2. Amends Article 46B.082(c), Code of Criminal Procedures, to require the head of a facility of the Department of State Health Services, in which a defendant has been committed to a maximum security unit within that facility and that has not been transported from the unit before the 10th, rather than the 15th, day after the date on which the court received notice regarding the defendant's competency, to transport the defendant to the committing court and to place the defendant into the custody of the sheriff of the county of the committing court's location.

SECTION 3. Amends Article 46B.084(b), Code of Criminal Procedure, to require a hearing in regards to the return of a defendant to the committing court to be held no later than the 20th day after the date of objection, rather than within 30 days following that date, unless continued for good cause for a period not to exceed 20 days, rather than 30 days.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.